

HOUSE BILL 3026
By Maddox

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 68, Chapter 11 and Section 71-5-105, relative
to ICF/MR beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-105(b), is amended by adding
at the end the following:

Beginning July 1, 2006, the total number of beds in ICF/MR facilities shall increase by
fifty (50) beds per year for the next four (4) years, resulting in a maximum of eight
hundred sixty-eight (868) beds by June 30, 2009. Only providers that have been
providing services to persons with developmental disabilities under contract with the
state for at least five (5) years shall be eligible to apply for these new beds.

SECTION 2. Tennessee Code Annotated, Section 33-5-106, is amended by designating
the existing language as subsection (a) and by adding the following subsection:

(b) The division of mental retardation services (DMRS) shall maintain a waiting
list of persons eligible for and seeking services under intermediate care facilities for
persons with mental retardation (ICF/MR) program or a home and community based
services waiver for the mentally retarded and developmentally disabled. Beds in
ICF/MR facilities shall be filled either by persons on the waiting list or by persons
residing in a state developmental center. DMRS shall approve the persons to fill the
beds in ICF/MR facilities. For the purpose of monitoring the care being received by
persons in ICF/MR facilities, DMRS shall have reasonable access to the facilities and
the medical and other records of the persons occupying the beds.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.